

Santucci & Associates
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Attorneys for the plaintiff Fredric Joel Cohen, M.D., P.C.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 06 CV 14297 (LTS) (HP)

FREDRIC JOEL COHEN, M.D., P.C.
(Tanisha Bowen)

Plaintiff,

AMENDED COMPLAINT

-against-

AETNA U.S. HEALTHCARE INSURANCE COMPANY.
Defendant.

X

Plaintiff, by and through it's attorneys, Santucci & Associates, complains of the
Defendant as follows:

1. At all times herein mentioned, Plaintiff, FREDRIC JOEL COHEN, M.D., P.C.
(hereinafter "Cohen") is a professional corporation with it's principle place of business located at
61 east 66th Street, New York, New York 10021.
2. At all times herein mentioned, defendant AETNA U.S. HEALTHCARE
INSURANCE COMPANY, (hereinafter "Aetna") was and still is a foreign corporation, doing

business within the City and State of New York, engaging in the business of, among other things, health insurance, with its principal place of business at 99 Park Avenue New York, New York 10016.

3. At all times herein mentioned, Tanisha Bowen and or her spouse was issued a policy and or a certificate of health insurance by the defendant Aetna pursuant to an employee welfare benefit plan therefore this action is governed by the laws as set forth in ERISA,

29 U.S.C. sect. 1001.

4. At all times herein mentioned, the transaction described herein arose in the City, County and State of New York.

5. At all times herein mentioned, Tanisha Bowen, assigned the medical insurance benefits and rights pursuant to said contract and or certificate of insurance to the plaintiff Cohen.

6. That Tanisha Bowen incurred medical bills in the amount of \$ 20,651.12 to the plaintiff Cohen.

7. That the plaintiff Cohen submitted said medical expenses in the amount of \$ 20,651.12 to the defendant Aetna and the defendant Aetna refused to pay said charges.

8. That the plaintiff is a Board Certified, Plastic Surgeon, Medical Doctor with offices located at 61 East 66th Street, New York, New York and is an eligible medical provider to receive compensation pursuant to the terms of the contract of insurance.

AS AND FOR A FIRST CAUSE OF ACTION

9. The allegations set forth in paragraphs 1 through 8 are repeated and realleged and incorporated herein in their entirety.

10. That the defendant Aetna breached the contract and or certificate of insurance issued to Tanisha Bowen and or her spouse by refusing payment of the insurance proceeds pursuant to the terms of the contract and or certificate of insurance.

AS AND FOR A SECOND CAUSE OF ACTION

11. The allegations set forth in paragraphs 1 through 10 are repeated and realleged and incorporated herein in their entirety.

12. That the defendant arbitrarily, capriciously and or wrongfully refused payment of the medical benefits as proscribed by the contract and or certificate of insurance.

AS AND FOR A THIRD CAUSE OF ACTION

13. The allegations set forth in paragraphs 1 through 12 are repeated and reallege and incorporated herein in their entirety.

14. That the defendant purposely, wrongfully and or negligently interpreted the contract of insurance in denying the plaintiff compensation for the extensive medical services provided.

WHEREFORE, the plaintiff, Fredric Joel Cohen, M.D., P.C., demands judgment against the defendant as follows together with interest, attorney fees and costs and for other and further relief of this court:

FIRST CAUSE OF ACTION: Twenty Thousand six hundred and fifty one

(\$ 20,651.12) Dollars and 12 Cents;

SECOND CAUSE OF ACTION: Twenty Thousand six hundred and fifty one

(\$ 20,651.12) Dollars and 12 Cents;

THIRD CAUSE OF ACTION: Twenty Thousand six hundred and fifty one

(\$ 20,651.12) Dollars and 12 Cents;

Dated: New York, New York
April 16, 2007

Robert A. Santucci (RS-6496)
Santucci & Associates
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ATTORNEY CERTIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

ROBERT A. SANTUCCI, an attorney duly admitted to the courts of the State of New York hereby affirms that , I have read the foregoing Amended Complaint and know the contents thereof, upon information and belief, to be true and comply with the directive for an attorney signature upon.

Dated: April 16, 2007
 New York, New York

Robert A. Santucci, Esq (RS-6496)

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Attorneys for the plaintiff Fredric Joel Cohen, M.D., P.C.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 06 CV 15189 (LTS) (HP)

FREDRIC JOEL COHEN, M.D., P.C.
(Tanisha Bowen)

Plaintiff,

AMENDED COMPLAINT

-against-

AETNA U.S. HEALTHCARE INSURANCE COMPANY .

,
Defendant.

X